

PATENT COOPERATION TREATY

JAN 2003

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

J.Y. & G.W. JOHNSON
Attn. Manaton, Ross Timothy
Kingsbourne House
229-231 High Holborn
London WC1V 7DP
UNITED KINGDOM

RECEIVED

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT
OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing
(day/month/year)

27/11/2003

Applicant's or agent's file reference

RTM

FOR FURTHER ACTION

See paragraphs 1 and 4 below

International application No.

PCT/EP 03/08052

International filing date
(day/month/year)

04/07/2003

Applicant

ECOLE POLYTECHNIQUE FEDERALE DE LAUSANNE

1. ☒ The applicant is hereby notified that the International Search Report has been established and is transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

Where? Directly to the International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland
Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no International Search Report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Further action(s):** The applicant is reminded of the following:

Shortly after **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

Within **19 months** from the priority date, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later).

Within **20 months** from the priority date, the applicant must perform the prescribed acts for entry into the national phase before all designated Offices which have not been elected in the demand or in a later election within 19 months from the priority date or could not be elected because they are not bound by Chapter II.

Name and mailing address of the International Searching Authority



European Patent Office, P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Dominique Hundt

NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the same time of filing the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority (see Rule 62.2(a), first sentence).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, where upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see Volume II of the PCT Applicant's Guide.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference RTM	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/ EP 03/ 08052	International filing date (day/month/year) 04/07/2003	(Earliest) Priority Date (day/month/year) 04/07/2002
Applicant ECOLE POLYTECHNIQUE FEDERALE DE LAUSANNE		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 7 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☒ contained in the international application in written form.

☒ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☒ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☒ Certain claims were found unsearchable (See Box I).

3. ☐ Unity of invention is lacking (see Box II).

4. With regard to the **title**,

☐ the text is approved as submitted by the applicant.

☒ the text has been established by this Authority to read as follows:

CONJUGATES OF PHOTSENSITIZERS AND OLIGONUCLEOTIDES FOR SELECTIVE PHOTOCHEMIO
APY

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☒ None of the figures.

INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP 03/08052

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61K41/00 C12N15/11 A61K47/48

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K C12N

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5 567 687 A (IVERSON BRENT ET AL) 22 October 1996 (1996-10-22) column 39, line 39 -column 40, line 14 figures 9A,9B1,9B2,10A,10B1,10B2, column 3, line 44-51 column 6, line 11-24 ---	1,2,4-6, 8-10, 24-33
X	US 5 595 726 A (IVERSON BRENT ET AL) 21 January 1997 (1997-01-21) figures 1,2 column 1, line 29,30 column 1, line 52-54 column 3, line 50-60 column 1, line 65 -column 2, line 1 example 1 column 7, line 59 -column 8, line 31 --- -/--	1,2,4-6, 8-10, 24-33

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *Z* document member of the same patent family

Date of the actual completion of the international search

10 November 2003

Date of mailing of the international search report

27/11/2003

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Veronese, A

INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP 03/08052

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 97 39008 A (KRAMER FRED R ; TYAGI SANJAY (US); NEW YORK HEALTH RES INST (US)) 23 October 1997 (1997-10-23) page 29, line 6-9 page 13, line 9-11 figure 4 ---	1-6, 8-10
X	GB 2 317 951 A (UNIV CALIFORNIA) 8 April 1998 (1998-04-08) claims 1, 6, 13, 17, 21-23 ---	1-6, 8-10
X	WO 99 31276 A (NEXSTAR PHARMACEUTICALS INC ; GOLD LARRY (US); JAYASENA SUMEDHA (US)) 24 June 1999 (1999-06-24) claims 1, 3, 4; figures ---	1-6, 8-10
Y	STOJANOVIC M N ET AL: "Catalytic molecular beacons." CHEMBIOCHEM: A EUROPEAN JOURNAL OF CHEMICAL BIOLOGY. GERMANY 1 JUN 2001, vol. 2, no. 6, 1 June 2001 (2001-06-01), pages 411-415, XP002260903 ISSN: 1439-4227 figures 1, 2 ---	1-34
Y	TYAGI S ET AL: "MOLECULAR BEACONS: PROBES THAT FLUORESCCE UPON HYBRIDIZATION" BIO/TECHNOLOGY, NATURE PUBLISHING CO. NEW YORK, US, vol. 14, March 1996 (1996-03), pages 303-308, XP002926498 ISSN: 0733-222X figures 1, 2 ---	1-34
Y	WO 97 03697 A (MONICI MONICA ; BAGLIONI PIERO (IT); BOTTIROLI GIOVANNI (IT); CONSI) 6 February 1997 (1997-02-06) the whole document -----	1-34

INTERNATIONAL SEARCH REPORT

International application No.
PCT/EP 03/08052

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
Although claims 30-34 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP 03/08052

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 5567687	A	22-10-1996	US 5451576 A	19-09-1995
			US 5559207 A	24-09-1996
			US 5252720 A	12-10-1993
			US 5162509 A	10-11-1992
			US 4935498 A	19-06-1990
			AU 709951 B2	09-09-1999
			AU 3727095 A	09-04-1996
			CA 2200571 A1	28-03-1996
			EP 0782579 A1	09-07-1997
			FI 971176 A	19-05-1997
			JP 10508581 T	25-08-1998
			NO 971317 A	16-05-1997
			NZ 294457 A	29-06-2001
			WO 9609315 A1	28-03-1996
			US 5798491 A	25-08-1998
			US 5607924 A	04-03-1997
			US 5595726 A	21-01-1997
			US 5565552 A	15-10-1996
			US 5633354 A	27-05-1997
			US 5837866 A	17-11-1998
			AU 694737 B2	30-07-1998
			AU 7052694 A	03-01-1995
			CA 2164419 A1	22-12-1994
			EP 0702685 A1	27-03-1996
			JP 8511532 T	03-12-1996
			NZ 267864 A	24-10-1997
			WO 9429316 A2	22-12-1994
			US 6072038 A	06-06-2000
			US 5763172 A	09-06-1998
			US 5969111 A	19-10-1999
			US 5888997 A	30-03-1999
			US 5457183 A	10-10-1995
			US 5580543 A	03-12-1996
			US 5587371 A	24-12-1996
			US 5632970 A	27-05-1997
			US 5801229 A	01-09-1998
			AT 227291 T	15-11-2002
			AU 3436793 A	03-08-1993
			CA 2127530 A1	22-07-1993
			DE 69332469 D1	12-12-2002
			DE 69332469 T2	10-07-2003
			DK 623134 T3	17-03-2003
			EP 0623134 A1	09-11-1994
			ES 2185627 T3	01-05-2003
			FI 943445 A	20-07-1994
			JP 7503009 T	30-03-1995
			NO 942719 A	19-09-1994
			NZ 246795 A	27-02-1996
			PT 623134 T	31-03-2003
			US 5994535 A	30-11-1999
US 5595726	A	21-01-1997	US 5567687 A	22-10-1996
			US 5451576 A	19-09-1995
			US 5559207 A	24-09-1996
			US 5252720 A	12-10-1993
			AU 709951 B2	09-09-1999
			AU 3727095 A	09-04-1996
			CA 2200571 A1	28-03-1996

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP 03/08052

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 5595726	A		EP 0782579 A1	09-07-1997
			FI 971176 A	19-05-1997
			JP 10508581 T	25-08-1998
			NO 971317 A	16-05-1997
			NZ 294457 A	29-06-2001
			WO 9609315 A1	28-03-1996
			US 5798491 A	25-08-1998
			US 5607924 A	04-03-1997
			US 5565552 A	15-10-1996
			US 5633354 A	27-05-1997
			US 5837866 A	17-11-1998
			AU 694737 B2	30-07-1998
			AU 7052694 A	03-01-1995
			CA 2164419 A1	22-12-1994
			EP 0702685 A1	27-03-1996
			JP 8511532 T	03-12-1996
			NZ 267864 A	24-10-1997
			WO 9429316 A2	22-12-1994
			US 6072038 A	06-06-2000
			US 5763172 A	09-06-1998
			US 5969111 A	19-10-1999
			US 5888997 A	30-03-1999
			US 5457183 A	10-10-1995
			US 5580543 A	03-12-1996
			US 5587371 A	24-12-1996
			US 5632970 A	27-05-1997
			US 5801229 A	01-09-1998
			AT 227291 T	15-11-2002
			AU 3436793 A	03-08-1993
			CA 2127530 A1	22-07-1993
			DE 69332469 D1	12-12-2002
			DE 69332469 T2	10-07-2003
			DK 623134 T3	17-03-2003
			EP 0623134 A1	09-11-1994
			ES 2185627 T3	01-05-2003
			FI 943445 A	20-07-1994
			JP 7503009 T	30-03-1995
			NO 942719 A	19-09-1994
			NZ 246795 A	27-02-1996
			PT 623134 T	31-03-2003
			US 5994535 A	30-11-1999
			WO 9314093 A1	22-07-1993
			US 5569759 A	29-10-1996
WO 9739008	A	23-10-1997	AU 2735797 A	26-03-1998
			AU 713667 B2	09-12-1999
			AU 2922497 A	07-11-1997
			CA 2252048 A1	23-10-1997
			EP 0892808 A1	27-01-1999
			JP 2000508660 T	11-07-2000
			WO 9739008 A1	23-10-1997
			WO 9810096 A1	12-03-1998
			US 6150097 A	21-11-2000
GB 2317951	A	08-04-1998	US 5853992 A	29-12-1998
			AU 717018 B2	16-03-2000
			AU 4742397 A	24-04-1998
			EP 0935670 A1	18-08-1999

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP 03/08052

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
GB 2317951	A	JP 2001502000 T	13-02-2001
		WO 9814612 A1	09-04-1998
		US 6150107 A	21-11-2000
WO 9931276	A 24-06-1999	US 5989823 A	23-11-1999
		AU 3909199 A	05-07-1999
		EP 1049803 A1	08-11-2000
		WO 9931276 A1	24-06-1999
		US 6261783 B1	17-07-2001
		US 2001055773 A1	27-12-2001
		US 6177555 B1	23-01-2001
WO 9703697	A 06-02-1997	IT MI951560 A1	20-01-1997
		AU 6735196 A	18-02-1997
		CA 2227212 A1	06-02-1997
		WO 9703697 A2	06-02-1997
		EP 0839051 A1	06-05-1998
		US 6036941 A	14-03-2000

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☒ **FADED TEXT OR DRAWING**
- ☒ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.